

REMARKS

The Office Action of January 25, 2007 presents the examination of claims 1-16.

Status of Claims

Claims 1, 2, 13 and 15 are canceled without prejudice or disclaimer of the subject matter contained therein. Claims 3-12, 14 and 16 are amended. New claims 17 and 18 are added. No new matter is inserted into the application.

Rejection under 35 U.S.C. § 102(e)

The Examiner rejects claims 12, 14 and 16 under 35 U.S.C. § 102(e) for allegedly being anticipated by *Kotani* (US 2002/0078038 A1). Claims 12, 14 and 16 have been amended accordingly. This rejection is respectfully traversed.

A feature of the claimed invention is to judge whether received image data is to be maintained in a data storage unit, based on the correlativity between other image data in the data storage unit and the received image data. This feature is now recited in independent claims 12, 14 and 16. In accordance to this feature, the claimed invention can collect only the image data having a high correlativity since the image data having a low correlativity relative to the other data in the data storage unit is not maintained in the data storage unit.

In the Office Action, the Examiner refers to the display portion 360 in the cited *Kotani* document as corresponding to the maintenance judgment means of the present invention. However, display portion 360 merely displays the image selected from the thumbnail images, as recognized by the Examiner. The Examiner alleges that to display the image selected from the

MKM/PSW/vd

thumbnail images corresponds to maintaining the image as previously claimed. However, regardless of whether the selected image is displayed or not, the image data of *Kotani* is always maintained in the data storage unit. In other words, *Kotani* merely discloses a searching method, and does not disclose the feature of the present invention that judges whether the received image data is to be maintained in the data storage or not based on the correlativity, as is now clearly recited in the amended independent claims 12, 14 and 16. Applicant submits that the rejection to independent claims 12, 14 and 16 has been overcome by the present amendment to clearly recite the feature of the received image data is to be maintained in the data storage unit. As can be seen from this, *Kotani* cannot collect the image data having a high correlativity, which is one of the main features of the claimed invention, since *Kotani* appears to maintain all received images in the data storage unit regardless of the correlativity.

For at least the above reason, applicant believes that the invention as recited in claims 12, 14 and 16 is patentably distinguishable over *Kotani*.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-3, 5, 7-10, 13 and 15 under 35 U.S.C. § 103(a) for allegedly being unpatentable over *Kotani* (US 2002/0078038 A1) in view of *Luo et al.* (US 2002/0131641 A1). This rejection is traversed.

Claims 1, 2, 13 and 15 are canceled without prejudice or disclaimer of the subject matter contained therein.

Claims 3, 5, and 7-10 are amended to dependent on independent claim 12. For at least the above-mentioned reason for independent claim 12, applicant respectfully submitted that the invention as recited in claims 3, 5, and 7-10 should be allowable.

The Examiner rejects claim 6 under 35 U.S.C. § 103(a) for allegedly being unpatentable over *Kotani* (US 2002/0078038 A1) in view of *Luo et al.* (US 2002/0131641 A1) and further in view of *Shaffer et al.* (US 6,389,181).

Claim 6 is amended to dependent on independent claim 12. For at least the above-mentioned reason for independent claim 12, applicant respectfully submitted that the invention as recited in claim 6 should also be allowable.

Claims 4 and 11 were objected to by the Examiner, as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 4 and 11 are now ultimately dependent on amended independent claim 12. For at least the above-mentioned reason for independent claim 12, applicant respectfully submitted that the invention as recited in claims 4 and 11 should be allowable.

NEW CLAIMS

New claims 17 and 18 are dependent on claim 9, which in turn is dependent on independent claim 12. For at least the above-mentioned reason for independent claim 12, we respectfully submitted that the invention as recited in claims 17 and 18 should be allowable.

In summary, all of the present claims, as amended, define patentably distinguishable subject matter over the prior art cited. Thus, this application should be placed into condition for

MKM/PSW/vd

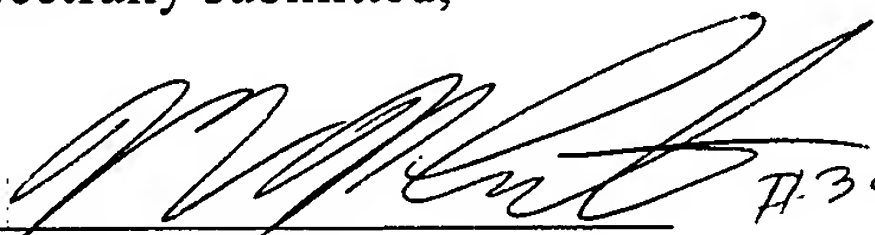
allowance. Early and favorable action on the merits of the present application is earnestly requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 24, 2007

Respectfully submitted,

By  #39,491
to Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

MKM/PSW/vd